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PATENT APPLICATION  
DOCKET NO.: 53514-00002USPTRULES 63 AND 67 (37 C.F.R. 1.63 and 1.67)  
DECLARATION AND POWER OF ATTORNEY

## FOR UTILITY/DESIGN/CIP/PCT NATIONAL APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;  
and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SOFTWARE AND HARDWARE SYSTEM FOR ENABLING WEIGHT CONTROL**, the specification of which: (mark only one)

(a) is attached hereto.

(b) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable)

(c) was filed as PCT International Application No. PCT/\_\_\_\_\_ on \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

(d) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was issued a Notice of Allowance on \_\_\_\_\_.

(e) was filed on \_\_\_\_\_ and bearing attorney docket number \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above or as allowed as indicated above.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation-in-part (CIP) application, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this CIP application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

of the application on which my priority is claimed or, (2) if no priority is claimed, before the filing date of this application:

PRIOR FOREIGN PATENTS

<u>Number</u>	<u>Country</u>	<u>Month/Day/Y ear Filed</u>	<u>Date first laid-open or Published</u>	<u>Date patented or Granted</u>	<u>Priority Claimed</u>
—	—	—	—	—	<u>Yes</u> <u>No</u>

I hereby claim the benefit under 35 U.S.C. § 120/365 of any United States application(s) listed below and PCT international applications listed above or below:

PRIOR U.S. OR PCT APPLICATIONS

<u>Application No. (series code/serial no.)</u>	<u>Month/Day/Year Filed</u>	<u>Status(pending, abandoned, patented)</u>
60/353,811	February 1, 2002	Pending

I hereby appoint:

TIMOTHY G. ACKERMANN, Reg. No. 44,493  
BENJAMIN J. BAI, Reg. No. 43,481  
MICHAEL J. BLANKSTEIN, Reg. No. 37,097  
MARY JO BOLDINGH, Reg. No. 34,713  
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MATTHEW O. BRADY, Reg. No. 44,554  
DANIEL J. BURNHAM, Reg. No. 39,618  
THOMAS L. CANTRELL, Reg. No. 20,849  
RONALD B. COOLLEY, Reg. No. 27,187  
THOMAS L. CRISMAN, Reg. No. 24,846  
STUART D. DWORK, Reg. No. 31,103  
WILLIAM F. ESSER, Reg. No. 38,053  
ROGER J. FRENCH, Reg. No. 27,786  
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JOHN C. GATZ, Reg. No. 41,774  
RUSSELL J. GENET, Reg. No. 42,571

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ROBERT W. MASON, Reg. No. 42,848  
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MARK V. MULLER, Reg. No. 37,509  
P. WESTON MUSSELMAN JR. Reg. No. 31,644

DANIEL G. NGUYEN, Reg. No. 42,933  
RUSSELL N. RIPPAMONTI, Reg. No. 39,521  
ROSS T. ROBINSON, Reg. No. 47,031  
STEPHEN G. RUDISILL, Reg. No. 20,087  
HOLLY L. RUDNICK, Reg. No. 43,065  
J.L. JENNIE SALAZAR, Reg. No. 45,065  
JERRY R. SELINGER, Reg. No. 26,582  
GARY B. SOLOMON, Reg. No. 44,347  
STEVE Z. SZCZEPANSKI, Reg. No. 27,957  
ANDRE M. SZUWALSKI, Reg. No. 35,701  
KEITH TABER, Reg. No. 46,114  
ALAN R. THIELE, Reg. No. 30,694  
TAMSEN VALOIR, Reg. No. 41,417  
BRIAN D. WALKER, Reg. No. 37,751  
GERALD T. WELCH, Reg. No. 30,332  
HAROLD N. WELLS, Reg. No. 26,044  
WILLIAM D. WIESE, Reg. No. 45,217

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

all of the firm of JENKENS & GILCHRIST, P.C., 3200 Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2799, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.

Please address all correspondence and direct all telephone calls to:

Gary B. Solomon  
Jenkens & Gilchrist, P.C.  
3200 Fountain Place  
1445 Ross Avenue  
Dallas, Texas 75202-2799  
214/855-4188 214/855-4300 (fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

## NAMED INVENTOR(S)

1	Full Name David Kirchhoff		Date 1/30/05
	Darien, CT USA Residence (city, state, country)	Citizenship US	
	100 HOLLOW TREE AVENUE #0 Post Office Address (include zip code)	DARIEN, CT 06820	

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

2	Full Name Lisa Connely	<i>Lisa Connely</i> Inventor's Signature	11/30/03 Date
	New York, NY Residence (city, state, country)	USA Citizenship	
	30 West 63rd Street, Apt 10H, NY, NY 10023 Post Office Address (include zip code)		

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

3	Full Name <u>Anna Crook</u>	 Inventor's Signature	1/31/03 Date
	135 Maistfield St, ROZELLE NSW 2039, Australia Residence (city, state, country)	Australian Citizenship	
	<u>As above</u> Post Office Address (include zip code)		

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

4	Full Name Sheila Kelly	 Inventor's Signature	1/30/03 Date
	NY, NY, USA Residence (city, state, country)	USA Citizenship	
	1 Irving Pl #P7H NY, NY 10003 Post Office Address (include zip code)		

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

S	Full Name Karen Miller-Kovach	Inventor's Signature <i>Karen Miller-Kovach</i>	Date 1/30/03
	Residence (city, state, country) <i>Centersport, NY, USA</i>	Citizenship <i>USA</i>	
	Post Office Address (include zip code) <i>232 Fillmore St 11721</i>		

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

6	Full Name Amie Perl	Inventor's Signature <i>Amie N. Perl</i>	Date 1/30/03
	Residence (city, state, country) Short Hills, NJ USA Citizenship USA		
	Post Office Address (include zip code) 49 FAIR BROOK DRIVE SHORT HILLS, NJ 07078		

AUG-14-2003 THU 03:47 PM WEIGHTWATCHERS.COM

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Jan-91-02 11:18am From: CL Concierge GSO  
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SWELLING

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

7	Full Name <u>Palma Posillico</u>	<u>Palma Posillico</u> Inventor's Signature	Date <u>1/31/03</u>
	<u>10 Colonial Drive, Huntington, NY USA</u> Residence (city, state, country)	<u>11743</u>	<u>USA</u> Citizenship
	<u>same as above</u> Post Office Address (include zip code)		

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

8	Full Name Thilo Semmelbauer	Inventor's Signature	Date
	Residence (city, state, country)	Now York, NY U.S.A.	German Citizenship
	Post Office Address (include zip code)	333 E. 53rd Street NY NY 10022	(U.S. Permanent Resident)

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

9	Full Name Amy Sheppard	Inventor's Signature	1/30/03 Date
	Jersey City, NJ, United States Residence (city, state, country)	United States	Citizenship
	108 Sussex St. Apt 15, Jersey City, NJ 07302 Post Office Address (include zip code)		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/355,425	01/31/2003	David Kirchhoff	53514-00002USPT

ST. ONGE STEWARD JOHNSTON & REENS LLC  
 986 BEDFORD STREET  
 STAMFORD, CT 06905-5619

RECEIVED

St. Ong Steward Johnston & Reens

*Wm*

OCT 14 2003

FILE 3968-PIP  
 DKT A

CONFIRMATION NO. 1399

  
 \*OC000000011009672\*

Date Mailed: 10/09/2003

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/29/2003.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

  
 VERLENE D. GREEN

2100 (703) 605-4376

ATTORNEY/APPLICANT COPY

IN THE UNITED STATES RECEIVING OFFICE (RO/US)

Docket No. 03968-P0001BWO WWW/TMO

International Application No.	PCT/US03/02963
International Filing Date	31 January 2003
Priority Date Claimed	1 February 2002
Title of Application:	Software And Hardware System For Enabling Weight Control
Applicants	WeightWatchers.com, Inc.; Weight Watchers International, Inc.

Mail Stop PCT  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

*Appointment of Representative  
for International Application Under PCT Rule 90.4*

The undersigned Applicant hereby appoints:

Wesley W. Whitmyer, Jr.; Registration No. 33,558  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street; Stamford, CT 06905-5619  
203 324-6155 Telephone 203 327-1096 Facsimile

to act on its behalf before the competent International Authorities in connection with this international application and to make and receive payments on its behalf.

The undersigned Applicant submits that he/she is authorized to sign on behalf of and represent the assignee of record "WeightWatchers.com, Inc."

Dated at New York, NY, in the United States of America, on September 8, 2003.

WeightWatchers.com, Inc.

By

Name

Title

Jeffrey A. Fiarman

JEFFREY A. FIAARMAN

SVP AND GENERAL COUNSEL

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks; Post Office Box 1450; Alexandria, VA 22313-1450.

9/25, 2003

Rick Lerner

PATENT  
03968-P0001B WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	David Kirchhoff, et al.
Serial No. 10/355,425	Filing Date: January 31, 2003
Title of Application:	Software And Hardware System For Enabling Weight Control
Confirmation No. 1399	Group Art Unit: 2173

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Revocation and New Power Of Attorney

Dear Sir:

Applicants, WeightWatchers.com, Inc., a Delaware corporation having its principal place of business at 888 Seventh Avenue, Fl. 8; New York, NY 10106, hereby revokes all previous powers of attorney and appoints the following attorneys to prosecute this patent application and transact all business in the United States Patent and Trademark Office connected therewith, receive all communications from the United States Patent and Trademark Office, to receive the Letters Patent, and be its agent for service of process in connection herewith:

Wesley W. Whitmyer, Jr., Registration No. 33,558  
Todd M. Oberdick, Registration No. 44,268  
Attorneys for Applicants  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619.  
203 324-6155

To the best of my knowledge, WeightWatchers.com, Inc. is the assignee of record of the patent application identified above.

WeightWatchers.com, Inc.

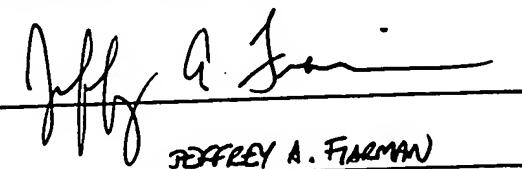
Date

9/8/03

By

Name

Title

  
JEFFREY A. FARMAN  
SVP AND GENERAL COUNSEL

## IN THE UNITED STATES RECEIVING OFFICE (RO/US)

Docket No. 03968-P0001BWO WWW/TMO

International Application No.	PCT/US03/02963
International Filing Date	31 January 2003
Priority Date Claimed	1 February 2002
Title of Application:	Software And Hardware System For Enabling Weight Control
Applicants	WeightWatchers.com, Inc.; Weight Watchers International, Inc.

Mail Stop PCT  
 Commissioner for Patents  
 Post Office Box 1450  
 Alexandria, VA 22313-1450

Appointment of Representative  
 for International Application Under PCT Rule 90.4

The undersigned Applicant hereby appoints:

Wesley W. Whitmyer, Jr.; Registration No. 33,558  
 ST.ONGE STEWARD JOHNSTON & REENS LLC  
 986 Bedford Street; Stamford, CT 06905-5619  
 203 324-6155 Telephone 203 327-1096 Facsimile

to act on its behalf before the competent International Authorities in connection with this international application and to make and receive payments on its behalf.

The undersigned Applicant submits that he/she is authorized to sign on behalf of and represent the assignee of record "Weight Watchers International, Inc."

Dated at New York, NY, in the United States of America, on September 18, 2003.

Weight Watchers International, Inc.

By Robert W. Hollings

Name Robert W. Hollings

Title V.P. and Secretary

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks; Post Office Box 1450; Alexandria, VA 22313-1450.

9/25 2003

David Lennard

PATENT  
03968-P0001B WWW/TMO

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	David Kirchhoff, et al.
Serial No. 10/355,425	Filing Date: January 31, 2003
Title of Application:	Software And Hardware System For Enabling Weight Control
Confirmation No. 1399	Group Art Unit: 2173

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Revocation and New Power Of Attorney

Dear Sir:

Applicant, Weight Watchers International, Inc., a Virginia corporation having its principal place of business at 175 Crossways Park West, Woodbury, NY 11797, hereby revokes all previous powers of attorney and appoints the following attorneys to prosecute this patent application and transact all business in the United States Patent and Trademark Office connected therewith, receive all communications from the United States Patent and Trademark Office, to receive the Letters Patent, and be its agent for service of process in connection herewith:

Wesley W. Whitmyer, Jr., Registration No. 33,558

Todd M. Oberdick, Registration No. 44,268

Attorneys for Applicants

ST.ONGE STEWARD JOHNSTON & REENS LLC

986 Bedford Street

Stamford, CT 06905-5619

203 324-6155

To the best of my knowledge, Weight Watchers International, Inc. is the assignee of record of the patent application identified above.

Weight Watchers International, Inc.

By

Robert W. Hollings

Name

Robert W. Hollings

Title

Vice President and Secretary

Date

9/18/03